

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Our File No. 14154US02)**

In The Application Of:	)	<b><u>VIA FACSIMILE</u></b>
	)	
James A. Faunce	)	
	)	(571) 273-0419
Serial No.: 10/538,592	)	
	)	
Filed: June 9, 2005	)	
	)	
Examiner: To Be Assigned	)	
	)	
Group Art Unit: To Be Assigned	)	
	)	
Confirmation No. : 3761	)	
	)	
For: HYDROLYTICALLY STABLE	)	
PHTHALATE ESTER LUBRICANTS WITH	)	
HYDROLYTICALLY STABLE	)	
PHTHALATE ESTERS LUBRICANTS	)	
	)	

**PETITION UNDER 37 CFR 1.181**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition under 37 CFR 1.181 for the United States Patent Application Serial No. 10/538,592 filed June 9, 2005. Applicants respectfully request that the Response to Missing Requirements filed June 15, 2006 be entered and that a filing receipt be issued. Please accept the enclosed documents, which are a true and accurate copy of the Response to Missing Requirements and the formal filing paperwork associated therewith, as filed on June 15, 2006. A Return copy of the Notice of Missing Requirements and an executed copy of the Declaration for Patent Application were enclosed with the original filing, and are also provided herewith.

No fees are believed to be due, however, the Commissioner is authorized to charge any additional fees which may be required to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd. The Commissioner is further authorized to credit any overpayment to Deposit Account 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Dated: 12/21/06

By Jennifer E. Lacroix  
Jennifer E. Lacroix  
Reg. No. 46,852

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

EV726715587US

## COMMISSIONER FOR PATENTS

Sir: Please place the USPTO receipt stamp hereon and place in outgoing mail to acknowledge receipt of:

Docket No.: 14154US02Applicant: James A. FaunceSerial No.: 10/538,592 Conf. No.: 3761Filing Date: June 09, 2005☒ Transmittal to Notification of Missing Req.☐ Fee Transmittal☐ Patent Application Including:☐ \_\_\_\_\_ Page(s) Cover Sheet☐ \_\_\_\_\_ Page(s) Specification☐ \_\_\_\_\_ Page(s) Drawings☒ Response to Notice of Missing Parts six pp☒ Declaration ☒ Signed ☐ Unsigned☐ \_\_\_\_\_ Power(s) of Attorney \_\_\_\_\_ Page(s)☐ Amendment \_\_\_\_\_ Page(s)☐ Assignment \_\_\_\_\_ Page(s) Cover Sheet \_\_\_\_\_ Page(s)☐ IDS with PTO-SB08A \_\_\_\_\_ Page(s)

Cited References

☒ Other copy of Notification of Missing☐ Requirements☐ \_\_\_\_\_☐ \_\_\_\_\_☐ Certificate of Mailing as dated below☒ Certificate of Express Mailing as dated belowExpress Mail Label No. EV 726715587 USPreparer's Initials Lacroix/glDated June 15, 2006Respectfully: McANDREWS, HELD & MALLOY, LTD.

Attorneys for Applicant

## COMMISSIONER FOR PATENTS

Sir: Please place the USPTO receipt stamp hereon and place in outgoing mail to acknowledge receipt of:

Docket No.: 14154US02Applicant: James A. FaunceSerial No.: 10/538,592 Conf. No.: 3761Filing Date: June 09, 2005☒ Transmittal to Notification of Missing Req.☐ Fee Transmittal☐ Patent Application Including:☐ \_\_\_\_\_ Page(s) Cover Sheet☐ \_\_\_\_\_ Page(s) Specification☐ \_\_\_\_\_ Page(s) Drawings☒ Response to Notice of Missing Parts six pp☒ Declaration ☒ Signed ☐ Unsigned☐ \_\_\_\_\_ Power(s) of Attorney \_\_\_\_\_ Page(s)☐ Amendment \_\_\_\_\_ Page(s)☐ Assignment \_\_\_\_\_ Page(s) Cover Sheet \_\_\_\_\_ Page(s)☐ IDS with PTO-SB08A \_\_\_\_\_ Page(s)

Cited References

☒ Other copy of Notification of Missing☐ Requirements☐ \_\_\_\_\_☐ \_\_\_\_\_☐ Certificate of Mailing as dated below☒ Certificate of Express Mailing as dated belowExpress Mail Label No. EV 726715587 USPreparer's Initials Lacroix/glDated June 15, 2006Respectfully: McANDREWS, HELD & MALLOY, LTD.

Attorneys for Applicant

PAGE 8/16 \* RCVD AT 4/25/2007 3:17:30 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-5/20 \* DNIS:2709985 \* CSID:3127079155 \* DURATION (mm-ss):03:48

[illegible]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 14154US02)

In the Application of:	)	
James A. Faunce	)	Express Mail Label: EV 726715587 US
	)	
Serial No. 10/538,592	)	Date: June 15, 2006
	)	
Filed: June 9, 2005	)	
	)	
For: "HYDROLYTICALLY STABLE	)	
PHTHALATE ESTER LUBRICANTS	)	
AND METHOD OF METAL WORKING	)	
WITH HYDROLYTICALLY STABLE	)	
PHTHALATE ESTERS LUBRICANTS"	)	
	)	
Examiner: To Be Assigned	)	
	)	
Group Art Unit: To Be Assigned	)	
	)	
Confirmation No. 3761	)	

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35**  
**U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**  
(DO/EO/US)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 26, 2006, enclosed are the following documents: 1) the Declaration for Patent Application executed by the inventor; and 2) return copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

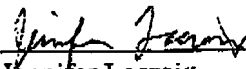
Applicants note that the Notification of Missing Requirements sets forth two fees, but then states that a previous payment will be applied to those fees. The Notification of

Missing Requirements thus indicates that there is no payment due at this time. If it is determined that payment is necessary, however, the Commissioner is hereby authorized to charge the following fees to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd: 1) the declaration surcharge as set forth in 37 CFR 1.492(h) of \$130.00; and 2) an additional \$100 to complete the examination fee for a non-small entity, together with any surcharge that may be required with respect to the examination fee.

The Commissioner is also authorized to charge any deficiency in the above stated amounts, or any additional fees which may be required to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd. The Commissioner is further authorized to credit any overpayment to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Dated: June 15, 2006

Respectfully submitted,

  
\_\_\_\_\_  
Jennifer Lacroix  
Reg. No. 46,852  
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone (312) 775-8000  
Facsimile (312) 775-8100



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,592	James A Faunce	14154US02

INTERNATIONAL APPLICATION NO.
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PCT/US03/38735

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

12/05/2003

12/20/2002

McAndrews Held & Malloy  
500 W Madison St  
34th Floor  
Chicago, IL 60661

CONFIRMATION NO. 3761

371 FORMALITIES LETTER

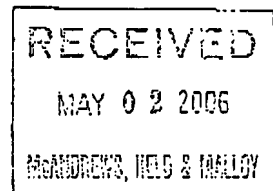
\*OC000000017513021\*

Date Mailed: 04/26/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Copy of references cited in ISR filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005



The applicant needs to satisfy supplemental fees problems indicated below.

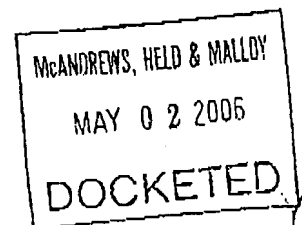
The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$-130 for a Large Entity:

- \$130 Surcharge.
- The application examination fee is insufficient. Applicant must submit \$100 to complete the examination



fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

(A previous payment of \$360 will be applied to the additional fees indicated above.)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,592	PCT/US03/38735	14154US02

FORM PCT/DO/EO/905 (371 Formalities Notice)

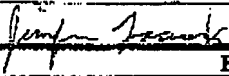


PTO/SB/21 (09-04)

Approved for use through 7/31/2006

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/538,592			
		Filing Date	June 09, 2005			
		First Named Inventor	James A. Faunce			
		Art Unit	Unknown			
		Examiner Name	Unknown			
Total Number of Pages in This Submission	Seven	Attorney Docket Number	14154US02			
<b>ENCLOSURES (check all that apply)</b>						
<table border="0"> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53         </td> <td style="vertical-align: top;"> <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD         </td> <td style="vertical-align: top;"> <input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input checked="" type="checkbox"/> Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office enclosing the following documents:              a) Copy of the Notification of Missing Requirements and              b) Executed copy of the Declaration for Patent Application  <input checked="" type="checkbox"/> Return-Receipt Postcard  <input type="checkbox"/> Other Enclosure(s) (please identify below):         </td> </tr> </table>				<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office enclosing the following documents: a) Copy of the Notification of Missing Requirements and b) Executed copy of the Declaration for Patent Application <input checked="" type="checkbox"/> Return-Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office enclosing the following documents: a) Copy of the Notification of Missing Requirements and b) Executed copy of the Declaration for Patent Application <input checked="" type="checkbox"/> Return-Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):				
Remarks						
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>						
Firm or Individual Name	McAndrews Held & Malloy, Ltd.					
Name (Print/typc)	Jennifer E. Lacroix	Registration No. (Attorney/Agent)	46,852			
Signature			Date: June 15, 2006			
<b>EXPRESS MAIL DEPOSIT</b>						
"Express Mail" mailing label number : EV 726715587 US Date of Deposit: June 15, 2006.						